



National Aeronautics and
Space Administration

Principal Center for Regulatory Risk Analysis and Communication

Regulatory Tracking Summary

29 January 2010

This report summarizes regulatory items reviewed by the NASA RRAC PC. Items that appeared to have limited interest to the NASA community, or are provided for information only, are shown in light gray text. Notes and comments by the RRAC PC are shown in bold, blue text under "Description." Related documents and citations, such as "71 FR 51967," are linked to the appropriate document for quick access. Suggested follow-up actions are noted with significant items; users are advised that other follow-up actions may be appropriate for their program or facility.

Previous issues of this regulatory summary are archived on the RRAC PC website at <http://www.nasa.gov/offices/rrac/home/>. Comments, questions, suggestions, and requests for further information should be directed to the RRAC PC Manager, Sharon Scroggins at 256-544-7932 (sharon.scroggins@nasa.gov).

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Acronyms

ANSI = American National Standards Institute
ASHRAE = American Society of Heating, Refrigerating and
Air-Conditioning Engineers
BACT = Best available control technology
CAA = Clean Air Act
CBI = Confidential business information
CCR = *California Code of Regulations*
CEM = Continuous emission monitor
CFR = *Code of Federal Regulations*
COMAR = Code of Maryland Regulations
COM = Continuous opacity monitor
CRNR = California Regulatory Notice Register
CWA = Clean Water Act
DDE = 1-dichloro-2,2-bis(p-chlorophenyl) ethylene
DTSC = Department of Toxic Substances Control
EPA = U.S. Environmental Protection Agency
FAW = *Florida Administrative Weekly*
FDEP = Florida Department of Environmental Protection
FR = *Federal Register*
FY = Fiscal year
GHG = Greenhouse gas
IES = Illuminating Engineering Society
ISEA = International Safety Equipment Association
LDEQ = Louisiana Department of Environmental Quality
MSD = Musculoskeletal disorders
NAAQS = National Ambient Air Quality Standards
NASA = National Aeronautics and Space Administration
NMAC = New Mexico Administrative Code
NO₂ = Nitrogen dioxide
Nox = Oxides of nitrogen

NPDES = National Pollutant Discharge Elimination System
NRCS = Natural Resources Conservation Service
NSR = New source rule
OSHA = Occupational Safety and Health Administration
PHEV = Plug-in hybrid electric vehicle
ppb = Parts per billion
ppm = Parts per million
PSD = Prevention of significant deterioration
RIN = Regulatory Identification Number
RRAC PC = Principal Center for Regulatory Risk Analysis
and Communication
SIP = State Implementation Plan
SJRWMD = St. Johns River Water Management District
SJVAPCO = San Joaquin Valley Air Pollution Control
District
SJVUAPCD = San Joaquin Valley Unified Air Pollution
Control District
TAC = Texas Administrative Code
TBA = To be announced
TCEQ = Texas Commission on Environmental Quality
TMDL = Total maximum daily load
TSCA = Toxic Substances Control Act
U.S. = United States
USGBC = U.S. Green Building Council
VE = Visible emission
VOC = Volatile organic compound
WPD = Waste Permits Division
WQS = Water quality standards
WSTF = White Sands Test Facility

1.0 U.S. Federal Regulatory Review

1.1 Federal Register Summary

This summary includes FR items that were reviewed for potential impacts to NASA Centers and Programs.

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|------------------------------|------------|----------------------------|-------------|---|---|
| FED01292010-1 | Air NAAQS–Carbon Monoxide | 01/29/2010 | 75 FR 4815 | Notice | Integrated Science Assessment for Carbon Monoxide Announces availability of a final document titled, “ Integrated Science Assessment for Carbon Monoxide .” Document prepared as part of the review of the NAAQS for carbon monoxide. | |
| FED01292010-2 | Air NAAQS–Ozone | 01/19/2010 | 75 FR 2935 | Notice | Extension of Deadline for Promulgating Designations for the 2008 Ozone NAAQS [40 CFR Part 81] Extends the deadline for EPA to promulgate initial area designations for the 2008 ozone NAAQS (73 FR 16435 , 03/27/2008) from 03/12/2010 to 03/12/2011. See related item below. | |
| FED01292010-3 | Air NAAQS–Ozone | 01/19/2010 | 75 FR 2938 | Notice | National Ambient Air Quality Standards for Ozone [40 CFR Parts 50 and 58] Proposes to revise the primary and secondary NAAQS for ozone based on reconsideration of the 2008 8-hour NAAQS for ozone (73 FR 16435 , 03/27/2008). Proposes that the 8-hour primary standard, which was set at 0.075 ppm in the 2008 final rule, instead be set within the range of 0.060 to 0.070 ppm. Proposes that the secondary standard, which was set identical to the revised primary standard in the 2008 final rule, instead be a new cumulative, seasonal standard within the range of 7 to 15 ppm-hours. Comments due 03/22/2010. Public hearings to be held 02/02/2010 in Arlington, Virginia, and Houston, Texas; and 02/04/2010 in Sacramento, California. [RIN 2060-AP98] See discussion in Section 1.2 below. | NASA Facilities and Programs should be aware of the proposed changes. |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|-----------------|------------|----------------------------|-------------|---|-------------------|
| FED01292010-4 | Air NAAQS-PM | 01/26/2010 | 75 FR 4067 | Notice | <p>Release of Draft Documents Related to the Review of the National Ambient Air Quality Standards for Particulate Matter</p> <p>Notice of availability for public comment of a draft assessment document titled, <i>Particulate Matter Urban-Focused Visibility Assessment-Second External Review Draft</i>. Also provides notice that a second draft assessment document titled, <i>Quantitative Health Risk Assessment for Particulate Matter-Second External Review Draft</i>, will be available for public comment on or about 01/29/2010. Documents describe the quantitative analyses being conducted as part of the review of the NAAQS for particulate matter. A third draft document titled, <i>Policy Assessment for the Review of the Particulate Matter National Ambient Air Quality Standards-First External Review Draft</i>, will be available 02/26/2010. All three documents will be available on EPA's website.</p> | |
| FED01292010-5 | Climate Change | 01/21/2010 | 75 FR 3516 | Notice | <p>U.S. Department of State</p> <p>Invitation for Recommendations for U.S. Authors and Reviewers to the Fifth Assessment Report of the Intergovernmental Panel on Climate Change</p> <p>Invites recommendations for qualified U.S. experts to serve as authors or reviewers of the Fifth Assessment Report of the Intergovernmental Panel on Climate Change, which will be developed and finalized over the coming 4 years. More information is available on the Global Change Research Program website. Applications due 02/15/2010.</p> | |
| FED01292010-6 | Explosives | 01/20/2010 | 75 FR 3160 | Final Rule | <p>Bureau of Alcohol, Tobacco, Firearms, and Explosives</p> <p>Commerce in Explosives-Storage of Shock Tube With Detonators [27 CFR Part 555]</p> <p>Amends regulations by allowing shock tube to be stored with detonators. A shock tube is a small-diameter plastic laminate tube coated with a thin layer of explosive material. When initiated, it transmits a low-energy wave from one point to another. The outer surface of the tube remains intact during and after functioning. Effective 03/22/2010. [RIN 1140-AA30]</p> | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|--|------------|----------------------------|-------------|--|-------------------|
| FED01292010-7 | Natural Resource Conservation National Handbook of Conservation Practices | 01/28/2010 | 75 FR 4525 | Notice | <p>Natural Resources Conservation Service (NRCS)</p> <p>Notice of Proposed Changes to the Natural Resources Conservation Service's National Handbook of Conservation Practices</p> <p>Notice of intent to issue a series of revised conservation practice standards in the National Handbook of Conservation Practices. These standards include the following:</p> <ul style="list-style-type: none"> ▪ Air Filtration and Scrubbing (Code 371) ▪ Animal Trails and Walkways (Code 575) ▪ Combustion System Improvement (Code 372) ▪ Conservation Crop Rotation (Code 328) ▪ Diversion (Code 362) ▪ Dust Control on Unpaved Roads and Surfaces (Code 373) ▪ Forage Harvest Management (Code 511) ▪ Herbaceous Weed Control (Code 315) ▪ Range Planting (Code 550) ▪ Riparian Herbaceous Cover (Code 390) <p>The standards are used by NRCS state offices to develop state conservation practice standards. These practices may be used in conservation systems that treat highly erodible land or on land determined to be a wetland. Comments due 03/01/2010. Effective 01/28/2010.</p> | |
| FED01292010-8 | Occupational Safety | 01/19/2010 | 75 FR 2890 | Notice | <p>Occupational Safety and Health Administration (OSHA)</p> <p>OSHA Listens: Occupational Safety and Health Administration Stakeholder Meeting</p> <p>Announces a public meeting to solicit comments and suggestions from stakeholders on key issues facing OSHA. Meeting to be held 02/10/2010 in Washington, DC. Comments and suggestions about the key issues also may be submitted electronically or by hard copy. Comments due 03/30/2010.</p> | |
| FED01292010-9 | Occupational Safety Combustible Dust | 01/25/2010 | 75 FR 3881 | Notice | <p>Occupational Safety and Health Administration</p> <p>Combustible Dust [29 CFR Part 1910]</p> <p>Invites interested parties to participate in informal stakeholder meetings on the workplace hazards of combustible dust. Information gathered at these meetings will be used in developing a proposed standard (74 FR 54333, 10/21/2009) for combustible dust. Meetings to be held 02/17/2010 in Atlanta, Georgia. [RIN 1218-AC41]</p> | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|---|------------|----------------------------|-----------------------------|---|-------------------|
| FED01292010-10 | Occupational Safety Injury and Illness Reporting and Recording | 01/29/2010 | 75 FR 4728 | Proposed Rule | Occupational Safety and Health Administration Occupational Injury and Illness Recording and Reporting Requirements [29 CFR Part 1904] Proposes to revise regulation to restore a column to the OSHA 300 Log that employers would use to record work-related MSD. The current regulation included a musculoskeletal disorders column, but the requirement was deleted before the regulation became effective. Proposed rule would require employers to place a check mark in the MSD column, instead of the column they currently mark, if a case is an MSD that meets certain requirements. Public meeting to be held 03/09/15 in Washington, DC. Comments due 03/15/2010. [RIN 1218-AC45] | |
| FED01292010-11 | Occupational Safety Respiratory Protection Fit-testing | 01/27/2010 | 75 FR 4323 | Proposed Rule Withdrawal | Occupational Safety and Health Administration Additional Quantitative Fit-testing Protocols for the Respiratory Protection Standard [29 CFR Part 1910] Withdraws the proposed rule (74 FR 3526 , 01/21/2009) to add two quantitative fit-testing protocols to the Respiratory Protection Standard. Withdrawn as of 01/27/2010. [RIN 1218-AC39] | |
| FED01292010-12 | Radiation Medical Institutions | 01/22/2010 | 75 FR 3760 | Notice | Nuclear Regulatory Commission Draft Regulatory Guide: Issuance, Availability Issues the draft regulatory guide entitled, "Information Relevant to Ensuring that Occupational Radiation Exposures at Medical Institutions Will be as Low as is Reasonably Achievable," for public comment. Guide is directed specifically toward medical licensees and recommends methods considered acceptable to maintain occupational exposures as low as is reasonably achievable in medical institutions. In a medical institution, certain persons other than employees are exposed to radiation from licensed radioactive material. These persons include visitors, as well as patients other than those being treated with radioactive material. Guide addresses the protection of these individuals. Comments due 03/19/2010. | |

| RRAC PC Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-------------------------|---|------------|----------------------------|-------------|---|--|
| FED01292010-13 | Toxic Substances Confidential Business Information | 01/21/2010 | 75 FR 3462 | Notice | <p>Claims of Confidentiality of Certain Chemical Identities Submitted under Section 8(e) of the Toxic Substances Control Act (TSCA)</p> <p>Announces a new general practice of reviewing submissions for confidential business information claims of chemical identities listed on the public portion of the TSCA Chemical Substances Inventory. EPA anticipates that chemicals involved in health and safety studies submitted under TSCA Section 8(e) would not be entitled to confidential treatment if it is already listed on the public portion of the TSCA Chemical Substances Inventory.</p> <p>See discussion in Section 1.2 below.</p> | |
| FED01292010-14 | Water NPDES Construction General Permit | 01/28/2010 | 75 FR 4554 | Notice | <p>Modification to 2008 National Pollutant Discharge Elimination System (NPDES) General Permit for Storm Water Discharges Associated With Construction Activities</p> <p>Notice that EPA Regions 1, 2, 3, 5, 6, 7, 8, 9, and 10 today are modifying the 2008 NPDES general permits for storm water discharges associated with construction activity by extending the expiration date of the permit by 1 year. Permits will now expire 06/30/2011. Effective 01/20/2010.</p> <p>This permit is effective only in areas where EPA is the permitting authority for the NPDES program, which include the following areas where NASA-related facilities are located: Washington, D.C., New Mexico, and federal facilities in Colorado.</p> | Affected facilities should be aware of this extension. |

1.2 Other News and Developments

1.2.1 EPA Increases Transparency on Chemical Risk Information

EPA announced a new policy in the *Federal Register* (21 January 2010, [75 FR 3462](#)) to increase the public's access to information regarding chemicals. Under the new policy, EPA intends to reject a certain type of confidentiality claim, known as Confidential Business Information (CBI), related to the identity of certain chemicals. The chemicals affected by this action are those that are submitted to EPA with studies that show a substantial risk to people's health and the environment and that have been disclosed previously on the TSCA Chemical Substances Inventory.

Under Section 8(e) of TSCA, companies that manufacture, process, or distribute chemicals are required to immediately provide notice to EPA if they learn that a chemical presents a substantial risk of injury to health or the environment. Previous EPA practices allowed companies to claim as CBI a range of sensitive, proprietary information related to such chemicals. The new policy will increase the amount of information available by granting

the public access to the chemical identification information submitted, along with other health and safety data under Section 8(e).

In the coming months, EPA intends to announce additional steps to further increase transparency of chemical information.

More information about the new policy is available on EPA's TSCA [website](#).

1.2.2 EPA Strengthens Air Quality Standard for Nitrogen Dioxide

EPA announced a new national ambient air quality standard (NAAQS) for NO₂. The agency has set a new 1-hour standard for NO₂ at a level of 100 ppb, based on the 3-year average of the 98th percentile of the yearly distribution of 1-hour daily maximum concentrations. EPA is retaining the existing annual average standard of 53 ppb.

EPA expects to identify or designate areas not meeting the new standard, based on the existing community-wide monitoring network, by January 2012. New monitors must begin operating no later than 1 January 2013. When 3 years of air quality data are available from the new monitoring network, EPA intends to review area designations and to adjust them as needed.

The final rule will be effective 60 days after publication in the *Federal Register*. More information about the final rule is available on EPA's nitrogen oxides [website](#).

1.2.3 EPA Delays Nonattainment Designations; Proposes to Tighten Ozone Rules

In a *Federal Register* notice (19 January 2010, [75 FR 2936](#)), EPA announced it will delay making nonattainment designations until 12 March 2011, extending its deadline for designating areas that fail to attain the 2008 air quality standards for ozone by 1 year. In addition to announcing the delay in nonattainment designations, the agency also formally published the proposed rule to tighten the standard (19 January 2010, [75 FR 2938](#)).

Under the 2008 standards, states had until 12 March 2009 to recommend nonattainment designations to EPA, and the agency was to have finalized its designations by 12 March 2010. However, if EPA decides to make the ozone standards more stringent, states would be required to resubmit their recommendations for nonattainment designations based on those new standards. The agency has proposed a separate, accelerated designation process if the standards are revised. If EPA does not revise the ozone standards, it will finalize its nonattainment designations under the 2008 standards in March 2011.

EPA will accept written comments on its proposed standards until 22 March 2010. EPA also has scheduled three public hearings (12 January 2010, [75 FR 1566](#)) on the proposal. Two public hearings will be held 2 February 2010, one in Arlington, Virginia, and the second in Houston, Texas. The third public hearing will be held 4 February 2010 in Sacramento, California.

More information about the proposed rule is available on EPA's ground level ozone [website](#). Additionally, RRAC PC is developing a regulatory summary regarding the proposed rule. The summary will be available on the [RRAC website](#).

1.2.4 Green Building Standard 189.1 Published

The American Society of Heating, Refrigerating and Air-Conditioning Engineers (ASHRAE), in conjunction with the U.S. Green Building Council (USGBC) and the Illuminating

Engineering Society (IES), announced publication of Standard 189.1, *Standard for the Design of High-Performance, Green Buildings Except Low-Rise Residential Buildings*.

The standard addresses key topic areas similar to green-building rating systems: site sustainability, water-use efficiency, energy efficiency, indoor environmental quality, and the building's impact on the atmosphere, materials, and resources. The standard offers a broader scope than Standard 90.1, and is intended to set forth minimum requirements for the siting, design, and construction of high-performance, green buildings.

Comprehensive information regarding the standard is available on the ASHRAE [website](#).

1.2.5 Federal Government Greenhouse Gas Emissions Reduction Target

In response to the requirements of [Executive Order 13514](#), federal agencies have set their 2020 targets for cutting emissions of carbon dioxide and other heat-trapping gases. In the aggregate, these targets are expected to result in a 28-percent reduction in direct GHG emissions by 2020, against a baseline of estimated GHG emissions for 2008.

The cumulative effort is anticipated to cut GHG emissions by about 88 million metric tons, energy use by about 646 trillion British thermal units, and energy costs by between \$8 billion and \$11 billion. More information regarding the GHG reduction target can be found on the White House [website](#).

1.3 Regulatory Communication Working Group Updates

Regulatory Communication Working Group Calls in 2010 will be held on the following Wednesdays at 12 p.m. CT:

- 24 February
- 17 March
- 7 April
- 28 April
- 19 May
- 9 June
- 30 June
- 21 July
- 11 August
- 1 September
- 22 September
- 24 November
- 15 December

2.0 State Regulatory Reviews

The following sections provide details about the regulatory actions reviewed for selected states in which NASA facilities and related operations are located.

2.1 Alabama State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Alabama.

2.2 California State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in California. Citations of the [CRNR](#) are linked to the appropriate volume of the Register, which is published in Adobe Acrobat (pdf) file format.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|----------------------|----------------|--------------------------------------|---------------|---|-------------------|
| CA01292010-1 | Air Fuel Standard | 01/22/2010 | CRNR 2010.4z, p. 136 | Final Rule | Air Resource Board Low Carbon Fuel Standard 2009 [17 CCR 95480-90] Implements the low carbon fuel standard identified as an early action GHG emissions reduction measure. Effective 01/12/2010. | |
| CA01292010-2 | Air PHEV | 01/29/2010 | CRNR 2010.5z, p. 159 | Final Rule | Air Resource Board Plug-in Hybrid Electric Vehicles and Aftermarket Parts [13 CCR ADOPT: 2032 AMEND: 1961, 1962, 1962.1, 1976, 1978] Amends or adopts regulations, and related testing and certification procedures documents, to establish new Equivalent All Electric Range exhaust and evaporative emissions test procedures for blended PHEVs. The final rule adopts the following: <ul style="list-style-type: none"> ▪ New test procedures to evaluate whether these vehicles qualify for Type F or Type G advanced componentry allowances under Zero Emission Vehicle regulations ▪ A new test procedure for testing the All Electric Range of fuel-cell powered vehicles ▪ A new definition of "sealed fuel system" for evaporative emissions testing exemption purposes ▪ A new after-market parts certification procedure for PHEV conversion systems Effective 02/13/2010 | |
| CA01292010-3 | Air SIP | 01/29/2010 | 75 FR 4742 | Proposed Rule | U.S. Environmental Protection Agency Approval and Promulgation of Implementation Plans; State of California; Legal Authority [40 CFR 52] Proposes to clarify the contents of the applicable implementation plan for the State of California under the CAA. Comments due 03/01/2010. | |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---------------------|----------------|---------------------------------------|--------------------|---|-------------------|
| CA01292010-4 | Air SIP-SJVAPCD | 01/19/2010 | 75 FR 2796 | Final Rule | <p>U.S. Environmental Protection Agency</p> <p>Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [40 CFR 52]</p> <p>Finalizes approval of revisions to the San Joaquin Valley Air Pollution Control District portion of the SIP. These revisions were proposed in the <i>Federal Register</i> on 06/16/2009 and concern VOC emissions from coating of metal parts, large appliances, metal furniture, motor vehicles, mobile equipment, cans, coils, organic solvent cleaning, and storage and disposal related to such operations. Effective 02/18/2010.</p> | |
| CA01292010-5 | Air SIP-SJVAPCD | 01/22/2010 | 75 FR 3680 | Proposed Rule | <p>U.S. Environmental Protection Agency</p> <p>Revisions to the California State Implementation Plan (SIP) [40 CFR 52]</p> <p>Proposes to approve revisions to the SJVAPCD portion of the SIP. These revisions concern NOx from residential water heaters. Comments due 02/22/2010.</p> | |
| CA01292010-6 | Air SIP-SJVAPCD | 01/26/2010 | 75 FR 3996 | Final Rule | <p>U.S. Environmental Protection Agency</p> <p>Revisions to the California State Implementation Plan, San Joaquin Valley Air Pollution Control District [40 CFR 52]</p> <p>Finalizes a limited approval and limited disapproval of revisions to the SJVAPCD portion of the SIP. This action was proposed in the <i>Federal Register</i> on 07/17/2009 and concerns VOC emissions from steam-enhanced crude oil production well vents, aerospace coating operations, and polyester resin operations. Effective 02/25/2010.</p> | |
| CA01292010-7 | Air SIP-SJVUAPCD | 01/29/2010 | 75 FR 4745 | Proposed Rule | <p>U.S. Environmental Protection Agency</p> <p>Approval and Promulgation of Implementation Plans, State of California, San Joaquin Valley Unified Air Pollution Control District, New Source Review [40 CFR 52]</p> <p>Proposes to correct May 2004 final approval of revisions to the SJVUAPCD portion of the California SIP. Also proposes to revise District rules to provide for review of new and modified stationary sources (NSR) within the District and to provide a mechanism by which existing stationary sources may be exempt from the requirement to secure a federally mandated operating permit. Comments due 03/01/2010.</p> | |
| CA01292010-8 | Occupational Safety | 01/29/2010 | CRNR 2010, 5z, p. 145 | Proposed Amendment | <p>Occupational Safety and Health Standards Board</p> <p>General Industry Safety Orders—Use of High Visibility Apparel—Private Roads and Off-Highway—Traffic Control—Number of Flaggers [8 CCR 1590, 1599]</p> <p>Proposes to require employees on foot and exposed to the hazard of vehicular traffic and flaggers to wear high-visibility apparel that conforms to the requirements of the ANSI/ISEA 107–2004, High Visibility Safety Apparel and Headwear standard. Public hearing to be held on 03/18/2010 in Costa Mesa, California.</p> | |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|-----------------------------|----------------|---------------------------------------|-------------------------------------|--|-------------------|
| CA01292010-9 | Proposition 65 | 01/29/2010 | CRNR 2010. 5z, p. 168 | Notice of Intent | Office of Environmental Health Hazard Assessment Notice of Intent to List DDE and Nitrobenzene Intends to list the chemicals 1-dichloro-2,2-bis(p-chlorophenyl) ethylene (DDE) and nitrobenzene as known to the state to cause reproductive toxicity under the Safe Drinking Water and Toxic Enforcement Act. Comments due 03/01/2010. | |
| CA01292010-10 | Species Marbled Murrelet | 01/21/2010 | 75 FR 3424 | Notice of 12-month Petition Finding | U.S. Fish and Wildlife Service Endangered and Threatened Wildlife and Plants; 12-Month Finding on a Petition To Remove the Marbled Murrelet (<i>Brachyramphus marmoratus</i>) from the List of Endangered and Threatened Wildlife. [50 CFR 17] Announces a 12-month finding on a petition to remove the Washington/Oregon/California population of the marbled murrelet (<i>Brachyramphus marmoratus</i>) from the Federal List of Endangered and Threatened Wildlife. Effective 01/21/2010. | |
| CA01292010-11 | Species Pacific Fisher | 01/29/2010 | CRNR 2010. 5z, p. 170 | Final Rule | Department of Fish and Game Incidental Take of Pacific Fisher During Candidacy [14 CCR 749.5] Adopts rule to provide for the incidental take of Pacific fisher during its candidacy for listing as an endangered or threatened species. Effective 01/26/2010. | |

2.2.1 Department of Toxic Substances Control News Release

The DTSC released a news release titled “[Summary of DTSC 2010 Legal and Regulatory Changes](#)” on 30 December 2009. Changes that went into effect 1 January 2010 that may affect NASA facilities include the following:

- Requirement for “lead free” plumbing material to carry cooking and drinking water
- Requirement that lighting products that do not exceed European limits for toxic metals
- Prohibition of the use of lead wheel weights
- Requirement for DTSC to develop information regarding nanomaterials
- Lengthening of the statute of limitations on spill reporting
- Modification of testing requirements for transporters of used oil

2.2.2 DTSC Upcoming Training

DTSC is offering upcoming training that may be applicable to NASA facilities, including:

- [Hazardous Waste Generator Standards and Best Environmental Practices–Construction Sites \(Course 103\)](#), 18 February 2010, Cypress, California.

2.3 Colorado State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Colorado.

2.4 Florida State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Florida.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---|----------------|-------------------------------------|----------------|---|-------------------|
| FL01292010-1 | Acquisition and Restoration Council | 01/22/2010 | FAW Notice #8175468 | Notice Meeting | FDEP 62–Acquisition and Restoration Council Announces the 2010 calendar for public hearings or meetings to which all interested parties are invited for the purposes of conducting business of the Council, including the review of land acquisition proposals, management plans, and proposed uses of state-owned lands. Public meetings will be held in Tallahassee, Florida, and are scheduled for: <ul style="list-style-type: none"> • 02/18/2010 • 04/15/2010 • **May 2010 (Date and time TBA) • 06/10/2010 • 08/12/2010 • 10/14/2010 • **November (Date and Time TBA) • 12/09/2010 Council meetings are scheduled for: <ul style="list-style-type: none"> • 02/19/2010 • 04/16/2010 • 06/11/2010 • 08/13/2010 • 10/15/2010 • 12/10/2010 | |
| FL01292010-2 | Water Florida Oceans and Coastal Council | 01/22/2010 | FAW Notice #7912792 | Notice Meeting | Chapter 62–Florida Oceans and Coastal Council The Florida Oceans and Coastal Council will hold a public meeting to further its duties under the Oceans and Coastal Resources Act on 02/08/2010. | |
| FL01292010-3 | Water Nutrients | 01/26/2010 | 75 FR 4173 | Proposed Rule | U.S. Environmental Protection Agency Water Quality Standards for the State of Florida's Lakes and Flowing Waters [40 CFR Part 131] Proposes numeric nutrient water quality criteria to protect aquatic life in lakes and flowing waters, including canals, within the State of Florida and proposes regulations to establish a framework for Florida to develop "restoration standards" for impaired waters. On 01/14/2009, EPA made a determination under Section 303(c)(4)(B) of the CWA that numeric nutrient water quality criteria for lakes and flowing waters and for estuaries and coastal waters are necessary for the State of Florida to meet the requirements of CWA Section 303(c). Section 303(c)(4) of the CWA requires the EPA Administrator to promptly prepare and publish proposed regulations setting forth new or revised WQS when the Administrator, or an authorized delegate of the Administrator, determines that such new or revised WQS are necessary to meet requirements of CWA. This proposed rule fulfills EPA's obligation under Section 303(c)(4) of the CWA to promptly propose criteria for Florida's lakes and flowing waters. Comments due 03/29/2010. | |
| FL01292010-4 | Water SJRWMD | 01/22/2010 | FAW Notice #8180609 | Notice Meeting | Chapter 40C–SJRWMD Announces a public meeting to discuss regulatory and non-regulatory matters. Scheduled for 02/09/2010 in Palatka, Florida. | |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|-------------------------------------|----------------|---|--------------------|---|-------------------|
| FL01292010-5 | Water SJRWMD- Budget | 01/22/2010 | FAW Notice #8181385 | Notice Workshop | Chapter 40C—Projects & Land Committee Announces an informational workshop on FY 2010-2011 Budget Kickoff. The Projects & Land Committee business meeting will begin at the conclusion of the Governing Board Workshop to discuss agenda items, followed by Committee recommendations to be approved by the full Governing Board. Scheduled for 02/08/2010 in Palatka, Florida. | |
| FL01292010-6 | Water SJRWMD- Florida Forever | 1/29/2010 | FAW Notice #8189824 | Notice Hearing | Chapter 40C—SJRWMD Announces a public hearing to receive public testimony regarding the District's Florida Forever Work Plan Annual Update for the acquisition and management of lands funded by the Florida Forever Trust Fund. Scheduled for 02/09/2010 in Palatka, Florida. | |
| FL01292010-7 | Water SJRWMD- Permits | 01/22/2010 | FAW Notice #8182064 | Notice Meeting | Chapter 40C—SJRWMD Announces a meeting to receive public comments on pending applications for individual consumptive use permits and environmental resource permits. Scheduled for 02/22/2010 in Palatka, Florida. | |

2.5 Louisiana State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Louisiana.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|------------------|----------------|---|-------------|---|-------------------|
| LA01292010-1 | Waste Permits | 01/20/2010 | 36 LR 1 p. 161 1001POT1 | Notice | Louisiana Department of Environmental Quality Technical Review of Working Drafts of Waste Permits Establishes a procedure for technical review of the working draft of a proposed permit by facility representatives and other Divisions within the LDEQ. The procedure will standardize the timing and duration of the review and also provide clear information in the public record regarding the review and the WPD's responses to the review. The procedure also provides the facility with an opportunity to clarify items early in the process. Proposed permits in development on the effective date of the procedure and those developed after the effective date will be processed using this review procedure. Effective 03/01/2010. | |

2.6 Maryland State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Maryland.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|---|----------------|-------------------------------|---------------|---|-------------------|
| MD01292010-1 | Air Monitoring | 01/29/2010 | 37:3 Md.R 269 | Proposed Rule | Department of Environment Proposes to amend regulations under COMAR 26.11.01 and COMAR 26.11.09 by: <ul style="list-style-type: none"> Clarifying the definition of CEM and adding a definition for COM, "capacity factor" and "operating time" Clarifying which requirements are for COMs and CEMs Revising procedures for demonstrating compliance with VE requirements Adding procedures that allow fuel-burning equipment to replace COMs with CEMs for particulate matter Adding enforcement procedures for COMs for fuel-burning equipment Comments due 03/03/2010. Public hearing scheduled for 03/01/2010. | |
| MD01292010-2 | Occupational Safety Tower Crane | 01/29/2010 | 37:3 Md.R 175 | Final Rule | Division of Labor and Industry Tower Crane Operator Certification Adopt new regulations under COMAR 09.12.27 that would prohibit an individual from operating a tower crane in Maryland unless the individual holds a certificate of competence. Effective date 02/08/2010. | |
| MD01292010-3 | Water Wastewater Land Application | 01/29/2010 | 37:3 Md.R 269 | Proposed Rule | Department of Environment Proposes to amend COMAR 26.08.02.09 to update the Land Treatment Guidelines to include irrigation of Class III treated wastewater effluent onto non-restricted public access areas in promoting water reuse and clarifying content of the existing Guidelines. Comments due 03/01/2010. | |

2.7 Mississippi State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Mississippi.

2.8 New Mexico State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in New Mexico.

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|-------------|----------------|---|-------------|--|--|
| NM01292010-1 | Air Quality | 01/29/2010 | NM Register Vol. XXI, p. 39 | Notice | Environmental Improvement Board 20.2.1 NMAC Air Quality Announces the following revisions to 20.2.1 NMAC General Provisions Regulation: <ul style="list-style-type: none"> Revisions to the use of significant figures for calculating and reporting emission rates and concentrations when determining compliance with state and federal emission standards were made to be consistent with federal definitions. A hearing will be held on 04/05/2010 at the State Capitol in Santa Fe, New Mexico. | WSTF should be aware of these proposed changes. |

2.9 Ohio State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Ohio.

| Tracking Number | Subject | Date | Citation | Type Action | Description | Suggested Actions |
|-----------------|------------|------------|----------------------------|---------------|---|-------------------|
| OH01292010-1 | Air SIP | 01/22/2010 | 75 FR 3668 | Proposed Rule | <p>U.S. Environmental Protection Agency</p> <p>Conditional Approval and Promulgation of State Implementation Plans; Ohio; Carbon Monoxide and Volatile Organic Compounds (VOCs)</p> <p>Proposes the following:</p> <ul style="list-style-type: none"> To approve into the Ohio SIP certain regulation revisions that have been adopted by the state. To disapprove a regulation revision pertaining to high-performance architectural coatings. To conditionally approve a revision regarding a specific facility. To take no action on certain regulation revisions. To provide notice that EPA and Ohio have created a path forward for facilities operating under previously issued alternate VOC limit and emission control exemptions for miscellaneous metal coating operations. <p>Comments due 02/22/2010.</p> | |

2.10 Texas State Regulatory Review

This summary includes items that were reviewed for potential impacts to NASA Centers and Programs in Texas. Citations of the *Texas Register* are linked within the text to the corresponding entry in the version of the *Texas Register*. Current and historical versions of the *Texas Register* can be downloaded from the [Texas Register section of the Texas Secretary of State website](#).

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|-----------------------|----------------|-------------------------------|---------------|---|-------------------|
| TX01292010-1 | Air PSD Permitting | 01/29/2010 | 35 TexReg 569 | Proposed Rule | <p>Texas Commission on Environmental Quality</p> <p>Control of Air Pollution by Permits for New Construction or Modification, Prevention of Significant Deterioration Review [30 TAC 116]</p> <p>Proposes to amend the rules for PSD permitting to reinstate references to federal definitions and requirements regarding BACT as it relates to PSD, and to permit review regarding PSD review for certain projects. These references inadvertently were left out of a previous revision. Public hearing to be held 02/22/2010 in Austin, Texas. Comments due 03/01/2010.</p> | |

| Tracking Number | Subject | Date Published | Ref. Page | Type Action | Description | Suggested Actions |
|-----------------|--|----------------|-------------------------------|---------------|---|---|
| TX01292010-2 | Water Surface Water Quality Standards | 01/29/2010 | 35 TexReg 578 | Proposed Rule | <p>Texas Commission on Environmental Quality</p> <p>Texas Surface Water Quality Standards [30 TAC 307]</p> <p>Proposes the following changes to the Texas Surface Water Quality Standards:</p> <ul style="list-style-type: none"> Revisions to the general water quality criteria that are intended to improve statewide qualitative and quantitative criteria and to ensure that the general criteria are compatible with other proposed revisions Numerous revisions of toxic criteria to incorporate new data about toxicity effects, and to provide clarity about the basic requirements for toxicity effluent testing Additional categories of recreational uses and changes to provide more definition on assigning recreational uses Provide new criteria to protect numerous reservoirs from excessive growth of aquatic vegetation related to nutrients. Solicits comments about the proposed nutrient criteria Provide clarity about how water quality standards apply under different stream flow conditions and how attainment of water quality standards would be assessed using in-stream monitoring data New revisions for the uses and criteria of individual water bodies to incorporate new data and the results of recent use attainability analyses <p>Public hearing to be held on 03/11/2010 in Austin, Texas. Comments due 03/17/2010.</p> | NASA Facilities in Texas should be aware of this proposed rule. |
| TX01292010-3 | Water Surface Water Quality Standards | 01/29/2010 | 35 TexReg 681 | Notice | <p>Texas Commission on Environmental Quality</p> <p>Notice of Availability–Procedures to Implement the Texas Surface Water Quality Standards</p> <p>Notice of availability of a draft version of the Procedures to Implement the Texas Surface Water Quality Standards document provides guidance and explanation of the general and technical procedures used in implementing the standards in wastewater discharge permits. Document includes proposed changes that would be consistent with the proposed changes proposed for the water quality standards (35 TexReg 578, 01/29/2010). Proposes updates for minimum analytical levels for chemicals in wastewater effluent, whole effluent toxicity testing procedures, and critical low-flows in streams to evaluate standards' applicability. Proposes new procedures to evaluate the need for nutrient effluent limits for wastewater discharges to reservoirs, streams, and rivers, and a new process to assess recreational uses. The document is available on TCEQ's website. Comments due 03/17/2010.</p> | |

2.11 Utah State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Utah.

2.12 Virginia State Regulatory Review

No regulatory items of interest were identified during this reporting period for the state of Virginia.